



EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. KBB 2005 - 44

EMERGENCY PROCEDURES FOR THE DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., a state of emergency was declared through Proclamation No. 48 KBB 2005, as amended by Proclamation No. 54 KBB 2005, and Proclamation No. 54 KBB 2005;

WHEREAS, Hurricane Katrina made landfall in the state of Louisiana on Monday, August 29, 2005, leaving death and destruction of the state's infrastructure in its path, especially in the parishes of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa, Terrebonne, and Washington and severely impacting the traffic and infrastructure services in adjoining parishes, including but not limited to the parishes of Ascension and East Baton Rouge; and

WHEREAS, R.S. 29:724 authorizes the governor, during a state of emergency, to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulation of any state agency, if strict compliance with the provision of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The Louisiana Department of Transportation and Development (hereafter **LA DOTD**) acting through its secretary, or his designee, may act on an emergency basis to clean or temporarily repair, refurbish, reestablish, rehabilitate, and maintain all routes, roads, bridges, and facilities constituting the state highway system and supporting infrastructure owned by LA DOTD within the parishes directly affected by Hurricane Katrina, pursuant to the emergency authority granted by R.S. 48:207 and R.S. 48:252.1.

SECTION 2: Additionally, LA DOTD is authorized to forgo, to the minimum extent necessary, the selection process provided for in R.S. 48:285, *et seq.*, in order to effectively meet the demands of this emergency and meet the needs of the public. However, the secretary of LA DOTD shall, to the extent practicable, assure a competitive process for the employment of consultants for construction and preconstruction engineering services, research, planning, environmental, and other activities contemplated under R.S. 48:285, *et seq.*

SECTION 3: The LA DOTD may, as directed by the secretary, or his designee, use shortened, abbreviated or amended procedures for the selection and procurement of goods, services, supplies, equipment, engineering services and contracting services as allowed under the emergency provisions of R.S. 48:207 and R.S. 48:252.1.

SECTION 4: The LA DOTD, as directed by the secretary, or his designee, may perform or contract work or services necessary to assist local and state officials connected with repair or reconstruction of any municipal or parish highway, bridge, levee

or transportation infrastructure or facility in the state of Louisiana, during this emergency.

- SECTION 5:** Emergency work performed to assist local and state officials shall be performed by written agreement only and actual costs thereof borne by the LA DOTD shall be recorded and maintained for possible future reimbursement provided that such emergency contracts may be initiated through an abbreviated written contract, but must be memorialized by formal contract procedures within ten (10) working days of commencement of services. Any authorized reimbursement to the state, known at the time of contracting, from any source of emergency relief available to local or state government, shall be included in the written agreement.
- SECTION 6:** The inspector general is directed and authorized to monitor all transactions conducted outside the scope of regulatory statutes, orders, rules, and regulations to insure that those transactions are directly related to the emergency situation and are prudently handled and, if any inappropriate transactions are noted, those situations shall be reported to the governor.
- SECTION 7:** Transportation Trust Fund dollars must be spent according to Louisiana Constitutional Article VII, §27. Additional state funding can be provided pursuant to R.S. 48:757(B) as authorized by the governor. Federal money can also be used for the purposes of this Order if approved and provided by the Federal Emergency Management Agency or any other authorized Federal agency.
- SECTION 8:** The secretary of LA DOTD, or his designee, is authorized to transfer job assignments, personnel, and functions of his department for the purpose of performing or facilitating emergency purchases, services, and contracting as necessary to comply with this Order and existing law.
- SECTION 9:** All available department resources should be utilized as reasonably necessary to cope with this emergency.
- SECTION 10:** All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the implementation the provisions of this Order.
- SECTION 11:** This Order is effective upon signature and shall remain in effect until Saturday, December 31, 2005, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 23rd day of September, 2005.

/S/ Kathleen Babineaux Blanco
GOVERNOR OF LOUISIANA

ATTEST BY
THE GOVERNOR

/S/ Al Ater
SECRETARY OF STATE